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Security Council

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Resolution 2198 (2015)

Adopted by the Security Council at its 7371st meeting, on 29 January 2015

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo (DRC),

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC as well as all States in the region and emphasizing the need to respect fully the principles of non-interference, good neighbourliness and regional cooperation,

Stressing the primary responsibility of the Government of the DRC for ensuring security in its territory and protecting its populations with respect for the rule of law, human rights and international humanitarian law,

Taking note of the interim report (S/2014/428) and the final report (S/2015/19) of the Group of Experts on the DRC ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolutions 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011), 2078 (2012) and 2136 (2014) and of their recommendations,

Recalling the strategic importance of the implementation of the Peace, Security and Cooperation (PSC) Framework for the DRC and the region, and *reiterating* its call to all signatories to fulfil promptly, fully and in good faith their respective commitments under this agreement in order to address the root causes of conflict and put an end to recurring cycles of violence,

Reiterating its deep concern regarding the security and humanitarian crisis in eastern DRC due to ongoing military activities of foreign and domestic armed groups and the smuggling of Congolese natural resources, *stressing* the importance of neutralizing all armed groups, including the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA), the National Liberation Forces (FNL), and all other armed groups in the DRC, in line with resolution 2147 (2014),

Recalling its Presidential statement of 8 January 2015 (S/PRST/2015/1) and *reiterating* that the swift neutralization of the FDLR is a top priority in bringing stability to and protecting civilians of the DRC and the Great Lakes region, *noting with deep concern* repeated reports of collaboration between elements of the

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Congolese Armed Forces (FARDC) and the FDLR at a local level, *recalling* that the FDLR is a group under UN sanctions whose leaders and members include perpetrators of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, and have continued to promote and commit ethnically based and other killings in Rwanda and in the DRC,

Noting with great concern that the 2 January 2015 deadline set by the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC) has passed, and that the FDLR has not only failed to unconditionally and fully surrender and demobilize, but has also continued to recruit new fighters in their ranks,

Condemning the brutal killings of hundreds of civilians in the Beni area in recent months, *expressing deep concern* regarding the persistence of violence in this region, and *stressing the need* for a thorough and prompt investigation into these attacks in order to ensure that those responsible are held to account, as well as *calling* the DRC for further military action, in accordance with international law, including international humanitarian law and international human rights law, as applicable, and with the support of the United Nations Organization Stabilization Mission in the DRC (MONUSCO), in accordance with its mandate under resolution 2147 (2014), to end the threat posed by the ADF and all other armed groups operating in the region,

Reaffirming the importance of completing the permanent demobilization of the former 23 March Movement (M23) combatants, *stressing* the importance of ensuring that its ex-combatants do not regroup or join other armed groups, and *calling for* the acceleration of implementation of the Nairobi Declarations and of the Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR) of M23 ex-combatants, including overcoming obstacles to repatriation, in coordination with the regional States concerned,

Reiterating its strong condemnation of any and all internal or external support to armed groups active in the region, including through financial, logistical and military support,

Condemning the illicit flow of weapons within and into the DRC, including their recirculation to and between armed groups, in violation of resolutions 1533 (2004), 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011), 2078 (2012) and 2136 (2014), and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the DRC,

Acknowledging in this respect the important contribution the Council-mandated arms embargo makes to countering the illicit transfer of small arms and light weapons in the DRC, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration of ex-combatants and security sector reform,

Underlining that the transparent and effective management of its natural resources is critical for the DRC's sustainable peace and security, *stressing* its full respect for the sovereignty of the Government of the DRC over its natural resources and its responsibility to effectively manage these resources in this regard,

Recalling the linkage between the illegal exploitation of natural resources, including poaching and illegal trafficking of wildlife, illicit trade in such resources, and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, and encouraging the continuation of the regional efforts of the ICGLR and the governments involved against the illegal exploitation of natural resources, and *stressing*, in this regard, the importance of regional cooperation and deepening economic integration with special consideration for the exploitation of natural resources,

Noting with concern reports indicating the involvement of elements of the FARDC, as well as armed groups, in the illegal minerals trade, the illegal production and trade of charcoal and wood, and wildlife poaching and trafficking,

Noting with great concern the persistence of serious human rights abuses and international humanitarian law violations against civilians in the eastern part of the DRC, including summary executions, sexual and gender based violence and large scale recruitment and use of children committed by armed groups,

Noting with deep concern reports and allegations indicating the persistence of serious human rights and international humanitarian law violations committed by some members of the FARDC and Congolese National Police (PNC), and *recalling* the importance of fighting against impunity within all ranks of the FARDC and PNC, *commending* the DRC authorities for recent prosecutions and condemnations of two high-ranking FARDC officers for crimes against humanity and war crimes, and *stressing the need* for the Government of the DRC to continue to ensure the professionalism of its security forces,

Calling for all those responsible for violations of international humanitarian law and violations or abuses of human rights including those involving violence or abuses against children and acts of sexual and gender-based violence, to be swiftly apprehended, brought to justice and held accountable,

Recalling all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts, also *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to the parties in armed conflict of the DRC (S/AC.51/2014/3) adopted on 18 September 2014,

Calling on all parties to cooperate fully with MONUSCO and to remain committed to the full and objective implementation of the Mission's mandate, *reiterating* its condemnation of any attacks against peacekeepers, and *emphasizing* that those responsible for such attacks must be brought to justice,

Noting the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring States, as well as regional and subregional organizations, can play in this regard and *encouraging* efforts to further enhance cooperation,

Underlining the fundamental importance of timely and detailed notifications to the Committee concerning arms, ammunition and training as set out in section 11 of the Guidelines of the Committee,

Determining that the situation in the DRC continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Sanctions regime

1. *Decides* to renew until 1 July 2016 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 2, 3 and 5 of that resolution and further *decides* that the measures on arms imposed by paragraph 1 and 5 of resolution 1807 (2008) shall not apply to the supply of arms and related materiel, as well as assistance, advice or training, intended solely for the support of or use by MONUSCO or the African Union-Regional Task Force;

2. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 7 of that resolution;

3. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of resolution 1807 (2008) in relation to those measures;

4. *Decides* that the measures imposed by paragraph 9 of resolution 1807 (2008) shall not apply as per the criteria set out in paragraph 10 of resolution 2078;

5. *Decides* that the measures referred to in paragraph 3 above shall apply to individuals and entities as designated by the Committee for engaging in or providing support for acts that undermine the peace, stability or security of the DRC, and *decides* that such acts include:

(a) acting in violation of the measures taken by Member States in accordance with paragraph 1 above;

(b) being political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) being political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) recruiting or using children in armed conflict in the DRC in violation of applicable international law;

(e) being involved in planning, directing, or participating in the targeting of children or women in situations of armed conflict, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals;

(f) obstructing the access to or the distribution of humanitarian assistance in the DRC;

(g) supporting individuals or entities, including armed groups, involved in destabilizing activities in the DRC through illicit trade of natural resources, including gold or wildlife as well as wildlife products;

(h) acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity;

(i) planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or UN personnel;

(j) providing financial, material, or technological support for, or goods or services to, a designated individual or entity;

Group of Experts

6. *Decides* to extend until 1 August 2016 the mandate of the Group of Experts established pursuant to resolution 1533 (2004) and renewed by subsequent resolutions, expresses its intention to review the mandate and take appropriate action regarding the further extension no later than 1 July 2016, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Group of Experts, in consultation with the Committee, for a period of 18 months from the date of this resolution, drawing, as appropriate, on the expertise of the members of the Group established pursuant to previous resolutions;

7. *Requests* the Group of Experts to fulfil its mandate as consolidated below, with a focus on areas affected by the presence of illegal armed groups, and to provide to the Council, after discussion with the Committee, a mid-term report no later than 30 October 2015, and a final report no later than 15 June 2016, as well as submit progress updates to the Committee, especially in situations of urgency, or as the Group deems necessary:

(a) assist the Committee in carrying out its mandate, including through providing the Committee with information relevant to the potential designation of individuals and entities who may be engaging in the activities described in paragraph 4 above;

(b) gather, examine and analyze information regarding the implementation, with a focus on incidents of non-compliance, of the measures decided in this resolution;

(c) consider and recommend, where appropriate, ways of improving the capabilities of Member States, in particular those in the region, to ensure the measures imposed by this resolution are effectively implemented;

(d) gather, examine and analyze information regarding the regional and international support networks to armed groups and criminal networks in the DRC;

(e) gather, examine and analyze information regarding the supply, sale or transfer of arms, related materiel and related military assistance, including through illicit trafficking networks and the transfer of arms and related materiel to armed groups from the DRC security forces;

(f) gather, examine and analyze information regarding perpetrators of serious violations of international humanitarian law and human rights violations and abuses, including those within the security forces, in the DRC;

(g) evaluate the impact of minerals traceability referred to in paragraph 22 below and continue collaboration with other forums;

(h) assist the Committee in refining and updating information on the list of individuals and entities subject to the measures imposed by this resolution,

including through the provision of identifying information and additional information for the publicly-available narrative summary of reasons for listing;

8. *Expresses* its full support to the UN Group of Experts of the 1533 Committee and calls for enhanced cooperation between all States, particularly those in the region, MONUSCO, relevant UN bodies and the Group of Experts, *encourages* further that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control and *reiterates* its demand that all parties and all States ensure the safety of its members and its support staff, and that all parties and all States, including the DRC and countries of the region, provide unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

9. *Calls upon* the Group of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, as relevant to the implementation of its mandate;

Armed groups

10. *Strongly condemns* all armed groups operating in the region and their violations of international humanitarian law as well as other applicable international law, and abuses of human rights including attacks on the civilian population, MONUSCO peacekeepers and humanitarian actors, summary executions, sexual and gender based violence and large scale recruitment and use of children, and *reiterates* that those responsible will be held accountable;

11. *Demands* that the FDLR, the ADF, the LRA and all other armed groups operating in the DRC cease immediately all forms of violence and other destabilizing activities, including the exploitation of natural resources, and that their members immediately and permanently disband, lay down their arms, and liberate and demobilize all children from their ranks;

12. *Calls upon* all States, especially those in the region, to take effective steps to ensure that there is no support, in and from their territories, for armed groups in the DRC, stressing the need to address the networks of support, financing and recruitment of armed groups active in the DRC, as well as the need to address the ongoing collaboration between FARDC elements and armed groups at a local level, and *calls upon* all States to take steps to hold accountable, where appropriate, leaders and members of the FDLR and other armed groups residing in their countries;

13. *Demands* that the Government of the DRC, per its commitments in the Nairobi Declarations of 12 December 2013, accelerate the implementation of its Disarmament, Demobilisation and Reintegration programme, in coordination with neighbouring countries where former M23 combatants have found refuge and the United Nations and international organizations, *and stresses* the importance of overcoming obstacles to the repatriation of these ex-combatants, ensuring that the DDRRR programme is fully funded and implemented, particularly those programmes necessary to support the successful demobilisation and reintegration of former M23 combatants, that the M23 does not regroup and resume military activities, and that its members do not join or support other armed groups, in line with the Nairobi declarations and relevant UN Security Council resolutions;

Commitments of the Government of the DRC

14. *Welcomes* the progress made to date by the Government of the DRC on ending the recruitment and use of children in armed conflict, *urges* the Government of the DRC to continue the full implementation and dissemination throughout the military chain of command, including in remote areas, of its commitments made in the action plan signed with the United Nations detailing concrete, time-bound measures to release and reintegrate children associated with the Congolese armed forces and to prevent further recruitment, and for the protection of girls and boys from sexual violence, and further *calls upon* the Government of the DRC to ensure that children are not detained on charges related to association with armed groups;

15. Also *calls on* the Government of DRC to pursue its action plan commitments to end sexual violence and violations committed by its armed forces and undertake further efforts in that regard, noting that failure to do so may result in the FARDC being named in the Secretary-General's report on sexual violence;

16. *Stresses* the importance of the Government of the DRC actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through its ongoing cooperation with the International Criminal Court, *encourages* MONUSCO to use its existing authority to assist the government of the DRC in this regard, and *calls on* all signatories of the PSC Framework Agreement to continue to implement their commitments and cooperate fully with one another and the Government of the DRC, as well as MONUSCO to this end;

17. *Recalls* that there should be no impunity for any of those responsible for violations of international humanitarian law and violations and abuses of human rights in the DRC and the region, and, in this regard, *urges* the DRC, all countries in the region and other concerned UN Member States to bring perpetrators to justice and hold them accountable;

18. *Calls on* the Government of the DRC to enhance stockpile security, accountability and management of arms and ammunition, with the assistance of international partners, to address urgently reports of diversion to armed groups, as necessary and requested, and to urgently implement a national weapons marking program, in particular for state-owned firearms, in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

19. *Emphasizes* the primary responsibility of the Government of the DRC to reinforce State authority and governance in eastern DRC, including through effective security sector reform to allow army, police and justice sector reform, and to end impunity for violations and abuses of human rights and violations of international humanitarian law, urges the Government of the DRC to increase efforts in this regard, in accordance with its national commitments under the PSC Framework;

Natural resources

20. *Further encourages* the continuation of efforts by the Government of the DRC to address issues of illegal exploitation and smuggling of natural resources, including holding accountable those members of the FARDC who participate in the illicit trade of natural resources, particularly gold and wildlife products;

21. *Stresses* the need to undertake further efforts to cut off financing for armed groups involved in destabilizing activities through the illicit trade of natural resources, including gold or wildlife products;

22. *Welcomes* in this regard the measures taken by the Congolese Government to implement the due diligence guidelines on the supply chain of minerals, as defined by the Group of Experts and the Organization for Economic Cooperation and Development (OECD), *recognizes* the Congolese Government's efforts to implement minerals traceability schemes, and *calls on* all States to assist the DRC, the ICGLR and the countries in the Great Lakes region to develop a responsible minerals trade;

23. *Welcomes* measures taken by the Governments in the region to implement the Group of Experts due diligence guidelines, including adopting the Regional Certification Mechanism of the ICGLR into their national legislation, in accordance with OECD Guidance and international practice, and *requests* the extension of the certification process to other Member States in the region, and *encourages* all States, particularly those in the region, to continue to raise awareness of the due diligence guidelines;

24. *Encourages* a swift response by the ICGLR to put in place the necessary technical capacity required to support Member States in their fight against the illegal exploitation of natural resources, and *further encourages* the ICGLR to take immediate actions to fully implement the mineral certification process;

25. *Encourages* all States to continue efforts to end the illicit trade in natural resources, in particular in the gold sector, and to hold those complicit in the illicit trade accountable, as part of broader efforts to cut off financing for armed groups and criminal networks, including those with members in the FARDC;

26. *Reaffirms* the provisions of paragraphs 7 to 9 of resolution 2021 (2011) and *calls upon* the DRC and States in the Great Lakes region to cooperate at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources, including wildlife poaching and trafficking, and require their customs authorities to strengthen their control on exports and imports of minerals from the DRC;

Role of MONUSCO

27. *Recalls* the mandate of MONUSCO to support the Congolese authorities in the implementation of their national commitments under the PSC Framework agreement, in line with resolution 2147 (2014);

28. *Recalls* the mandate of MONUSCO to monitor the implementation of the arms embargo, in cooperation with the Group of Experts, and in particular to observe and report on flows of military personnel, arms or related materiel across the eastern border of the DRC, including by using surveillance capabilities provided by unmanned aerial systems, seize, collect and dispose of arms or related materiels brought into the DRC in violation of the measures imposed by paragraph 1, in accordance with paragraph 4 c) of paragraph 2147 (2014);

29. *Notes* that MONUSCO has a role to play in encouraging the consolidation of an effective national civilian structure that controls key mining

activities and manages in an equitable manner the extraction and trade of natural resources in eastern DRC, in line with resolution 2147 (2014);

30. *Requests* MONUSCO to assist the Committee established pursuant to paragraph 8 of resolution 1533 (2004) and the Group of Experts established by the same resolution, within its capabilities, including by passing information relevant to the implementation of the sanctions measures;

Reporting and review

31. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 5 of this resolution are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 2, and 3 and recommended in paragraph 8 of resolution 1952 (2010);

32. *Emphasizes* the importance of holding regular consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

33. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

34. *Decides* that, when appropriate and no later than 1 July 2016, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in light of the security situation in the DRC, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups, with a particular focus on children among them;

35. *Decides* to remain actively seized of the matter.